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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,070	01/21/2004	Noah Chen	JCLA12713	4581

23900 7590 07/26/2005

J C PATENTS, INC.
4 VENTURE, SUITE 250
IRVINE, CA 92618

EXAMINER

PICKETT, JOHN G

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Pat

Office Action Summary	Application No.	Applicant(s)	
	10/762,070	CHEN, NOAH	
	Examiner	Art Unit	
	Gregory Pickett	3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action acknowledges the applicant's amendment submitted 12 May 2005. Claims 1-7 and 9-17 are pending in the application. Claim 8 has been canceled.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art (Figures 1-4; hereinafter PA) in view of Nyseth et al (US 6,010,008).

Regarding claim 1, PA discloses a SMIF box **200** with a base pedestal **220** and a cover **210**. PA merely lacks the o-ring seal.

Nyseth discloses o-ring seals **118 & 120** for sealing the breaks or openings between the interior and exterior (Col. 3, lines 23-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the PA box with o-ring seals as taught by Nyseth et al in order to seal the connection between the base and cover.

As to claim 4, PA discloses circular groove **212**.

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4. Claims 2, 3, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over PA-Nyseth as applied to claims 1 and 4 above, and further in view of Baseman et al (US 5,346,518).

Regarding claims 2 and 3, PA-Nyseth discloses the claimed invention except for the drying agent.

Baseman et al discloses vapor removal element **30** with a drying agent **32** and a filter net **34** for minimizing contamination of the components within the enclosure. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the SMIF of PA-Nyseth with a drying agent and filter net as taught by Baseman et al in order to minimize contamination of the retained components.

As to claims 5 and 6, PA discloses cavities **214**. It would have been an obvious matter of design choice to one of ordinary skill in the art at the time the invention was made to provide the drying agent of PA-Nyseth-Baseman in the cavities in order to maximize the use of space.

5. Claims 7 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over PA in view of Dickinson et al (US 2003/0232512 A1) and Nyseth et al (US 6,010,008).

Regarding claim 7, PA discloses a SMIF box **200** with a base pedestal **220** and a cover **210**, and a SMIF box loader **300**. PA does not expressly disclose a hermetically sealed loader.

Dickinson et al discloses a hermetically sealed loader **20** for maintaining desired process conditions (see paragraph [0004]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the loader of PA as hermetically sealed in order to maintain desired process conditions.

PA-Dickinson discloses the claimed invention except for the o-ring seal.

Nyseth discloses o-ring seals **118 & 120** for sealing the breaks or openings between the interior and exterior (Col. 3, lines 23-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the PA-Dickinson box with o-ring seals as taught by Nyseth et al in order to seal the connection between the base and cover.

As to claims 14-17, Dickinson discloses an inert gas inlet **81** for nitrogen and an air outlet **77** (see paragraph [0058]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include these features in the system of PA-Dickinson-Nyseth in order to purge the compartment of contaminants.

6. Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over PA-Dickinson-Nyseth as applied to claim 7 above, and further in view of Baseman et al.

PA-Dickinson-Nyseth discloses the claimed invention except for the drying agent.

Baseman et al discloses vapor removal element **30** with a drying agent **32** and a filter net **34** for minimizing contamination of the components within the enclosure. It would have been obvious to one of ordinary skill in the art at the time the invention was

made to provide the SMIF of PA-Dickinson-Nyseth with a drying agent and filter net as taught by Baseman et al in order to minimize contamination of the retained components.

As to the location in the cavities, PA discloses cavities **214**. It would have been an obvious matter of design choice to one of ordinary skill in the art at the time the invention was made to provide the drying agent of PA-Dickinson-Nyseth-Baseman in the cavities in order to maximize the use of space.

Response to Arguments

7. Applicant's arguments filed 12 May 2005 have been fully considered but they are not persuasive.

8. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation can be found in Nyseth et al (see Col. 3, lines 23-25) and Dickinson et al (see paragraph [0004]).

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9. In response to applicant's argument that Nyseth et al does not disclose sealing of the front door, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). As evidenced by Nyseth et al, the concept of sealing an opening with an o-ring was well known in the art at the time the invention was made.

10. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the front door) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

11. In response to applicant's argument that Nyseth et al and Dickinson et al are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Nyseth et al and Dickinson et al are in the applicant's field of endeavor, namely semiconductor manufacture.

12. In response to the applicant's argument that Nyseth et al teaches away from the claimed invention, the examiner finds nothing in Nyseth et al that suggests that an o-ring to seal the front door would be unacceptable or renders the device inoperable. The mere fact that Nyseth et al does not specifically place the o-ring on the front door is insufficient as to teaching away from the arrangement.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory Pickett whose telephone number is 571-272-4560. The examiner can normally be reached on Mon-Fri, 11:30 AM - 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Greg Pickett
Examiner
11 July 2005


Mickey Yu
Supervisory Patent Examiner
Group 3700